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9 *JadooTV, Inc. and Sajid Sohail*

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 DISH NETWORK L.L.C.,

14 Plaintiff,

15 vs.

16 JADOOTV, INC., SAJID SOHAIL,
17 HASEEB SHAH, EAST WEST AUDIO
18 VIDEO, INC., and PUNIT BHATT,

19 Defendants.

Case No. 2:18-cv-09768-FMO-KS

**DEFENDANTS JADOOTV, INC.'S AND
SAJID SOHAIL'S OPPOSED FIRST
APPLICATION FOR AN EX PARTE
ORDER TO CONTINUE HEARING
DATE ON THEIR MOTION TO QUASH
SUBPOENAS; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF**

Judge: Honorable Magistrate Judge Karen L.
Stevenson, Courtroom 580, 5th Floor

APPLICATION FOR AN EX PARTE ORDER

By this application, Defendant JadooTV (“JadooTV”) and Defendant Sajid Sohail (“Sohail”) (“Defendants”) applies for an ex parte order to continue the hearing date on their Motion to Quash Subpoenas (“Motion to Quash”), currently scheduled to be heard on Wednesday, September 4, 2019, to a later time available to the Court and the parties’ counsel and on the same date that DISH’s Motion for Attorney’s Fees will be heard by this Court. This application is **OPPOSED** by Plaintiff DISH Network, LLC (“DISH”).

Defendants’ counsel gave notice, both orally and in writing, of the filing of this application for an ex parte order on August 27, 2019, as further described below.

OPPOSING COUNSEL (DISH) CONTACT INFORMATION

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MEMORANDUM OF POINTS AND AUTHORITIES

As required by Local Rule 7-19, Defendants state that an application for an ex parte order is necessary here because there is not enough time to file a noticed motion, given that Defendants were recently given notice of the conflicting hearing date between the Motion to Quash and the Motion to Lift Stay - only one week ago - and the hearing for the Motion to Quash is only one week away.

On August 27, 2019, Defendants’ counsel had a meet and confer call with DISH’s counsel to discuss a stipulation to continue the hearing date on the Motion to Quash. Declaration of Mark Punzalan in Support of Application for Ex Parte Order to Continue Hearing Date (“Punzalan

Decl.”), ¶ 2. After DISH’s counsel would not agree to stipulate to this request, Defendants’ counsel informed DISH’s counsel on the call that Defendants would be applying for an ex parte order this week to continue the hearing date on the Motion to Quash. Punzalan Decl., ¶ 3. Defendants’ counsel also followed up with an email notifying DISH’s counsel that Defendants would be filing the instant application for ex parte application, to which DISH’s counsel confirmed that DISH opposes this application. Punzalan Decl., ¶ 4, Exh. A.

Defendants seek an ex parte order to continue the hearing date on Defendants’ Motion to Quash because after Defendants filed their Motion to Quash, DISH filed its motion to lift the automatic stay in the instant litigation as to JadooTV in the Bankruptcy Court of the Northern District of California, and scheduled the motion to be heard on the same day and time as Defendants’ Motion to Quash. Punzalan Decl., ¶¶ 5, 6, Exhs. B-C. On August 5, 2019, Defendants filed its Motion to Quash in this Court and noticed the hearing for 10:00 a.m. on September 4, 2019. Punzalan Decl., ¶ 5, Exh. B. On August 19, 2019, DISH filed its Motion for Relief from Stay Pursuant to 11 U.S.C. § 362(d) and noticed the hearing for 9:30 a.m. on September 4, 2019. Punzalan Decl., ¶ 6, Exh. C.

Defendants’ lead counsel, Mark Punzalan, is the only litigation counsel available to appear on JadooTV’s behalf, and his appearance is required at both hearings on the Motion to Quash filed in this Court and DISH’s Motion to Lift the Automatic Stay as to JadooTV. Punzalan Decl., ¶ 7. Although there are two attorneys of record in this matter on behalf of Defendants – Mark Punzalan and Heidi Kim, both at Chan Punzalan LLP – Ms. Kim’s last day with the firm will be August 30, 2019. *Id.* After Ms. Kim’s departure, Mr. Punzalan will be the only attorney of record for Defendants and there is no other litigation attorney at Chan Punzalan to appear on behalf of Defendants. *Id.*

It is essential to JadooTV’s defense to have Mr. Punzalan personally present arguments at the motion to lift the automatic stay as to JadooTV in the Bankruptcy Court. Although JadooTV has retained bankruptcy counsel to represent it in the bankruptcy matters, Mr. Punzalan must be present to answer any questions that the Bankruptcy Court may have regarding advancement of defense costs and other aspects of retention by Defendants JadooTV and/or Sajid Sohail. Punzalan

1 Decl., ¶ 8. Further, DISH's motion is based on substantive arguments regarding the merits of the
2 copyright claims in this instant action, as well as arguments involving the procedural history in
3 this matter. Punzalan Decl., ¶ 6, Exh. C. JadooTV's bankruptcy counsel does not have the
4 knowledge or expertise to fully address these issues raised by DISH in their motion, at least to the
5 extent that Mr. Punzalan does. Punzalan Decl., ¶ 8. For these reasons, Mr. Punzalan must appear at
6 the hearing on DISH's motion to lift the automatic stay as to JadooTV in Bankruptcy Court.

7 Mr. Punzalan cannot be in two places at once – with one hearing being held in Oakland,
8 California and the other hearing in this Court being held in Los Angeles, California at exactly the
9 same time and day. Defendants noticed the September 4, 2019 hearing date weeks before DISH
10 did, so Defendants cannot be faulted for this conflict. Accordingly, Defendants respectfully
11 request that the hearing on their Motion to Quash be continued to a later date, chosen based on the
12 availability of the Court and the parties.

13 Currently, DISH's Motion for Attorney's Fees is set for hearing on October 2, 2019. Given
14 that Defendants' counsel has another conflict with that hearing date, DISH's counsel has agreed
15 during a meet and confer call to continuing the hearing on that motion. Defendants request that the
16 hearing on the Motion to Quash and DISH's Motion for Attorney's Fees be set to be heard at the
17 same time, given that both parties' counsel have to travel from out of town for a hearing in Los
18 Angeles (Defendants' counsel from the San Francisco Bay Area and DISH's counsel from
19 Houston, Texas). Defendants respectfully request that the Court continue their Motion to Quash to
20 the next available date on or after October 23, 2019, to be heard at the same time as DISH's
21 Motion for Attorney's Fees.

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1 Dated: August 28, 2019

CHAN PUNZALAN LLP

2 /s/ Mark Punzalan

3 Mark Punzalan

4 *Counsel for Defendants*

JadooTV, Inc. and Sajid Sohail